

Variance Request Procedure

1. **Applicant** desires a variance from:

- a. minimum separation distance of 50 feet from a dry wash, gully or gulch, and/or
- b. maximum 25% slope and/or a minimum of 50 feet from downhill slopes that exceed 35 percent.

2. **Applicant** submits either:

- a. A request to the **local health department** for an advance determination of eligibility for a variance under R317-4-4.7.2(A): "A wastewater system consistent with R317-4 and local health department requirements cannot be constructed and a connection to a public or community-based sewerage system is not available," or
- b. A complete variance request to **Executive Secretary** and to the **local health department** including the information and documentation described in R317-4-4.7.4 (items 1-6 below must be performed by a professional engineer or professional geologist certified at the appropriate level to perform onsite system design):
 - i. Information demonstrating that connection to a public or community-based sewerage system is not available, there is no other option for sewage disposal, and site conditions prevent construction or use of an onsite system that is in compliance with applicable legal requirements.
 - ii. A detailed description of the proposed system, including engineering and reliability information, and information about its proposed location and a proposed replacement absorption bed or trench location, if necessary, to meet the requirements of R317-4-4.6.
 - iii. A detailed characterization of current hydrological and hydrogeological conditions at the proposed site, and characterization of hydrological and hydrogeological conditions predicted for the site after the proposed system is in operation. The report shall include the following information with all supporting information, field investigations and explorations, as applicable:
 1. A description of the tributary area;
 2. Predictions, and supporting information, of ground water transport from the proposed system and of expected areas of ground water mounding if the system is operated as proposed in the application, including those in the tributary area;
 3. Predictions, and supporting information, of the impact of runoff on disposal of wastewater;
 4. Information about the rate of runoff for a 100-year storm and the time of concentration for a given tributary area;
 5. Water surface profile throughout the area;
 6. Analysis, for nitrate, chloride, and coliform group bacteria, of samples from the closest groundwater downgradient from any existing absorption system.
 - iv. A stability analysis if the request is for a variance from slope requirements. The analysis shall include information about the geology of the site and surrounding area, soil exploration and testing.
 - v. An operation, maintenance and troubleshooting plan to keep the installed system operating as described in the application.
 - vi. A contingency plan describing how a system that cannot meet the requirements of R317-4-4.7.2 will be replaced.
 - vii. A signed statement from the applicant acknowledging that he or she will, after a 30 day period for correction, be required to cease use and occupancy of buildings associated

with an onsite wastewater system that fails to meet the standards in R317-4-4.7.2, and that use and occupancy will be allowed again only after standards are met.

- viii. A proposal to record on the deed for the subject property a notice describing the system and an environmental easement, under the Environmental Institutional Control Act (Utah Code Ann. Sections 19-10-101 through -108), mandating any pertinent maintenance requirements or limiting conditions.
 - ix. Documentation provided by the local health authority that the adjoining land owners have been notified and provided opportunity for comment of the proposed variance.
3. (The **Executive Secretary** may appoint an advisory committee and may refer any variance request to the variance advisory committee.)
 4. The **Division of Water Quality** coordinates the review of the variance request with the **local health department**, and prepares a recommendation to the Executive Secretary.
 5. The **Executive Secretary** approves or denies a variance request within 180 days of the receipt of a complete and technically adequate request. This determination may be reviewed by the **Water Quality Board** as provided in Section 19-5-112, Utah Code Ann., and R317-9-3, Utah Administrative Code.
 6. Approval of a variance request does not require the **local health department** to issue an approval or operating permit.
 7. If approval of a variance is conditioned upon an applicant's commitment to record limiting conditions on the deed, the **local health department** must confirm that this condition has been fulfilled prior to issuing an approval or operating permit.
 8. If approval of a variance is conditioned upon oversight by the local health department, the **local health department** must execute a written fee agreement prior to issuing an approval or operating permit.